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Assumptions of Risk

by Daniel B. Rodriguez, AALS President and Dean, Northwestern University School of Law

The reform of legal education is rightly on our minds and squarely within our attention span. Yet, two assumptions that underlie the present structure and promise of legal education are flawed in meaningful ways. Interrogating these assumptions will be helpful in framing the debate over what ought to be done; and progress in true reform will require revisiting what we assume and why we assume it.

These two assumptions come from different quarters, one from the heart of the legal profession and the other from the legal academy. The first assumption is what I will label "practice readiness" and the second is the "academic core." I will consider each in turn.

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Kellye Y. Testy Nominated for President-Elect, Darby Dickerson and Avi Soifer Nominated as Executive Committee Members

The AALS Nominating Committee for 2015 Officers and Members of the Executive Committee met at the AALS Offices in Washington D.C. on Monday and Tuesday, September 22 - 23, 2014, with all members of the committee participating fully in the discussion. The selection process was challenging thanks to the outstanding quality of the nominations received from faculty members and deans at AALS member schools.

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In this issue

Review of *After the JD III*, A Law Professor's Take

by D. Benjamin Barros, AALS Executive Committee Member and Associate Dean for Academic Affairs and Professor of Law, Widener University Law School-Harrisburg

The American Bar Foundation and the NALP Foundation for Law Career Research and Education have released a report on the third wave of their landmark study. After the JD III: Third Results from a National Study of Legal Careers provides a wealth of information on the cohort of lawyers admitted to the bar in 2000. The results of the study reflect generally positive news for the lawyers being studied and for legal education. For example, 76 percent of respondents indicated that they were "moderately or extremely satisfied with their decision to become a lawyer, a proportion virtually unchanged from prior waves of the survey." (p. 17). Nonetheless, there are a number of findings that should cause concern, especially those involving continued gender inequalities in legal practice.

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President Daniel B. Rodriguez, continued from previous page

Practice readiness

We should be training lawyers in our precious three years, so the claim goes, and this means that we should do a better, more efficient, job of giving our students the skills to enable them to hit the ground running and to be ready to practice law as they emerge from our programs and receive the proper certification that bar passage entails. Legal education's aim is to furnish lawyers to the profession who are practice ready.

While maintaining a powerful grip on the reform debate, this belief rests on erroneous premises. To put it more finely, it is erroneous in that it misstates the overall objectives of the enterprise of American legal education and it contains an unreasonable set of aspirations for what we can do in the period in which our students are enrolled in law school.

What does practice readiness mean as a general goal? It means, as articulated by advocates in the practicing bar, that we can develop the kinds of skills, using resources properly found in the curriculum of law schools, to ensure that beginning lawyers will be able to successfully undertake lawyer tasks and help to represent clients from the start of their careers. Such an objective, however worthy from the vantage point of law firms and legal organizations that will employ our brand new graduates, is too narrow as a conception of our enterprise.

Professional education is not vocational training – indeed, it is inherently different. We are responsible to develop in our law students a coherent approach to professionalism (what it means to be an ethical, productive lawyer); we are, too, responsible for educating students in the law, by which we mean, at least, giving them fundamental substantive knowledge in the main subjects which form the base of their legal information; finally, and importantly, we should enable them to develop skills, and to burnish skills which they have in some measure, in order to further the interests of their clients, to advocate zealously and responsibly, and to promote justice and the rule of law in a world which expects lawyers to do exactly that and to do it capably and resourcefully. That is a tall order for three years, but it is a fair statement of our ambitions and also our capacities as law schools.

These goals are not captured well by the exhortation to provide "practice ready" lawyers. The craft of lawyering requires judgment developed principally through experience (although, to be sure, the second and, especially, the third year of law school provide a means by which some of this experience can be had). And the exposure of law graduates to practicing lawyers who have not only the seasoning to help guide beginning lawyers but also a clear stake in the well-being of these lawyers who are working for them and on behalf of their clients is essential to this process of developing the lawyering craft. To suppose that law schools can do a better, or even adequate, job at what amounts to vocational training is mistaken. Law schools are neither positioned to develop well skills of "readiness" nor are they constructed organizationally to truly warrant that new graduates will be ready to roll when graduation gives way to the first days and weeks on the job.

To be sure, skills training is a key part of what we all aspire to do as legal educators. And perhaps the central point which goes missing in the "practice readiness" debate is that law students should be working hard, under the close mentoring of law faculty, to develop practice proficiencies. They should be developing a cluster of skills essential to lawyers throughout their careers, skills including advocacy and communication, teamwork, drawing from other disciplines to enrich the meaning and impact of "law" where law is being used to resolve disputes, and ethical professionalism. These are practical skills; and, yes, these are the lifeblood

of contemporary legal education. But just as the ambitions of medical school do not extend to the goal of ensuring that a new graduate can perform brain surgery as they begin their residency, the objectives of law school should not include the pretension that we are sending out into the world fully-shaped lawyers.

Can we understand practice readiness in the weaker sense that law schools should entail more skills training, more clinical opportunities, more opportunities to represent live clients? Perhaps so. But let us not give short shrift to the well-meaning claim made by those who insist that practice readiness in a broader sense is what we ought to be after. Reformers who believe that law schools are falling down on the job by not creating practice ready lawyers would seek to replace much of what we in fact do in our modern curriculum and in our educational structure with a new set of training modalities. We are urged to replace scholars with practitioners and perhaps reconfigure the third year altogether, seeing this controversial year as a canvas onto which we should paint a wholly clinical picture – this in order to quicken the ability of our students to be ready to practice from day one. Such efforts are inevitably zero sum; they see the vocational training paradigm (borrowed loosely, they insist, from medical school training) as a better one for law schools to follow. The consequence of these efforts is to erode what law schools aspire to do in their more eclectic educational strategies and to replace it with what is often conceded to be more or less an apprenticeship scheme, one with a largely adjunct faculty and without anything that could be fairly viewed as intellectual content, synthetic fusion of fundamental and advanced substantive knowledge, or the building of skills which are not, strictly speaking, functional and practical.

> **"The craft of lawyering requires judgment developed principally through experience."**

There is another, equally pernicious belief underlying the "practice readiness" appeal. And that is that the space of "practice" can be known with some certainty, such that an entire upper-division curriculum can be built to meet its needs. The world into which our new graduates will enter is complex, multidisciplinary, and dynamic. True, most of our graduates will be employed in positions that entail traditional lawyering. For them, perhaps legal practice can surely be understood as containing shared expectations and skills. I say "perhaps," because, even in these traditional settings, the contours of the practice are undergoing some important changes. What a litigator needs to know in the pre-trial process is shifting as big data and e-discovery are penetrating into modern litigation. What a transactional lawyer needs to do in constructing and using documents in corporate practice, too, is being reshaped by the disaggregation of traditional legal services and, moreover, the displacement and outsourcing of some functions done solely or mostly by lawyers. What, then, does practice readiness mean in this dynamic context.

Moreover, an increasing number of our law graduates are, by necessity or choice or some combination of both, pursuing careers in the business sector for which legal training is deeply connected to business strategy and to entrepreneurship. Being ready to "practice" in these settings surely means something different than what it meant five or ten years ago. What are the objectives of a law school to be when its graduates are pursuing myriad post-graduate careers? Is the law school to furnish the skills so that the graduate can be ready to do all these different things?

In short, legal practice's core, and also its shape, is evolving. Therefore, the ambit of the modern law curriculum is ever evolving to reflect these modifications. More to the point, we are thinking creatively and tactically about how to maintain a structure of education that is dense and broad enough to provide our students with the skills to prosper in the face, and even because, of these changes. One catchy phrase to describe this endeavor is the idea that we are creating "T-shaped" lawyers, that is, lawyers whose knowledge and skills are deep, as the "I" in the "T," but also broad, in order to capture the wide range of disciplines which lawyers need to successfully function in an integrated environment. Such ambitions are not well captured by the assumption that we must aspire to train (to educate?) "practice-ready" lawyers.

Law school as graduate school

A separate risky assumption comes squarely from the heart of the legal academy. Here the belief is that what we aim to do in our law schools is to travel the traditional terrain of the academic university and to create a curriculum and a faculty that serves objectives that are conspicuously academic. We are said to be doing nothing as law teachers fundamentally different from our colleagues in, say, the humanities or social sciences. The only salient difference is that our subject matter is law.

Law school is graduate school to be sure, but that it is professional school matters in ways that the "legal education as academic enterprise" does not fully or even accurately capture. We are training students for a distinct profession. We are undertaking to educate students from disparate backgrounds in law and we are, too, obliged to facilitate their ambitions to be successful practicing lawyers. As noted previously, the conception of what it means to be a practicing lawyer is shifting and evolving. Yet, still and all, our core commitment is to develop in our students a body of information and also a set of skills to enable them to thrive as lawyers in the new economy.

Legal education is not liberal arts education, although we greatly benefit from having students who have undertaken a rich, comprehensive liberal arts education. Law can be viewed as part of the humanities in a broad sense and, given its interdisciplinary context, connected to the social sciences in important ways. So, it is entirely plausible – as most of the countries on the planet do – to embrace a model of educating students in law that is intrinsically connected to the academic mission of the university and, thereby, to not see education in law as professional education.

President Daniel B. Rodriguez, continued from previous page

However, our model of legal education in the United States – one that is post-graduate and importantly skills-based – is one that is deeply tied to the profession and thus is professional education in a meaningful sense. We benefit greatly from having so many of our AALS member law schools nested in colleges and universities, often major research universities. The synergies among faculty and curriculum in our law schools and universities yield enormous benefits in both the scholarly and pedagogical spaces. But what we are doing in our professional schools is different in significant ways from what we are doing in our graduate schools. And we err when we blur the distinction between the core academic mission of graduate education and the professional mission of legal education.

I should say, as an aside, that there are a growing number of graduate school programs and centers that set legal education in an academic framework. The extraordinary Jurisprudence and Social Policy program at the University of California at Berkeley's School of Law is an example of such a venture. Other programs, including some that locate legal education in an undergraduate setting, are valuable as well in seeing the value and utility of studying law as part of the humanities and the social sciences, and as a discipline in its own right. Perhaps the most recent ambitious example of this phenomenon is the nascent PhD in Law program at Yale Law School. Here, law professors endeavor to train law school graduates in a body of knowledge (and only secondarily skills) that will enable them to pursue academic careers in law, mostly in law schools one assumes, but also in academic settings where high-level academic training in law is essential.

These programs make ever more clear the basic point that law school as a venue for professional training reflects a distinct mission, that is, distinct from a view of post-graduate training in law as something equivalent to post-graduate training in any other subject. Moreover, our system (for better or worse) for training new lawyers by requiring an advanced professional training regimen, of three years and in an ABA-approved setting is built upon an assumption that such an educational model is different from the traditional graduate school model.

Conclusion

These two assumptions risk confounding, and ultimately limiting, the important debate over legal education's reform. The view that the overriding objective of law school is to provide to the profession "practice ready" lawyers misperceives both the comparative advantage of law schools in providing synthetic, interdisciplinary, and foundational education and also the present and future state of the profession, a state where what it means to practice law is undergoing important revision. Moreover, the view that what we are doing in law schools is just graduate education for students interested in the subject of law, with professional skills-building a secondary, or even irrelevant, consideration, is erroneous as well. Reforming legal education is a tall order; and there will and ought to be a large and diverse collection of voices discussing and debating the best way forward. In this venture, we need to settle on some fundamental objectives and also clarify our principal assumptions. Not doing the latter renders more difficult doing the former; and, likewise, it makes it difficult to arrive at the reforms which will enable American legal education to thrive in our challenging new world.

Daniel B. Rodriguez, AALS President and Dean, Northwestern University School of Law

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D. Benjamin Barros, continued from page 1

Job satisfaction was high overall. Areas of especially high numbers of respondents indicating moderate or high job satisfaction include public interest (87.6 percent), legal services/ public defender (86.1 percent), large firms of 251+ lawyers (80.4 percent), and state or local government (78.5 percent). The lowest category in terms of job satisfaction was for people working in business who were not practicing as lawyers (63.4 percent). As the authors of the study note, "this category includes some who have been very successful and others who have had to opt for a less than ideal position in business because of the economic downturn or other circumstances." (p. 53). Many of these non-practicing jobs would be categorized as JD Advantaged or Professional jobs. There has been a fair amount of recent debate about the desirability of these jobs. The findings support the position that these jobs are mixed – some are very desirable, while others are less desirable.

Income has trended up for almost all types of practice – small and large private firms, federal and state government, public interest, and business. The one exception is solo practitioners. The 75th, 50th, and 25th percentile income for solos declined from $120,000, $80,000 and $45,000 in Wave 2 to $86,000, $50,000 and $0 for Wave 3. These trends show that lawyer salaries continue to trend up significantly over their first ten years of practice, but that impact of the recession has been devastating on solo practitioners. Lawyer salaries tend to correlate directly with law school tier and law school GPA – higher tiers of law school and higher grades are associated with higher salaries. Even so, the median earnings for people with lower grades from lower-ranked schools were in the $85,000 - $95,000 range.

Another trend noted in the study was that the number of respondents who identify themselves as specialists has increased over time. On the other hand, the study revealed that the lawyers in the study cohort have displayed significant job mobility throughout their careers. Between Waves 1 and 2, 63 percent of respondents reported having changed jobs. Between Waves 2 and 3, 36 percent reported having changed jobs. Wave 3 showed significant movement away from large firms into other practice areas. This shift is explainable in part by the timing of

D. Benjamin Barros, Associate Dean for Academic Affairs and Professor of Law, Widener University Law School-Harrisburg

Photo courtesy of Widener Law

partnership decisions, which typically would have occurred between Wave 2 and Wave 3.

The report continues to show high mobility, both within and among practice settings. The rate at which lawyers change settings suggests that law schools should continue to focus on broad legal education, grounded in critical foundational skills, even if lawyers tend to specialize later in their practice careers. Lauren Robel, Provost of Indiana University and former AALS President, commented: "Mobility is a constant in our graduates' careers, as this pathbreaking longitudinal study convincingly demonstrates. The relative frequency with which lawyers change not just employers but practice settings argues in favor of the utility of the education we provide and the need to assure that we keep the breadth and depth that foster creative and flexible thinkers. And it may argue in favor of some curricular innovations that help law students really envision the various practice and nonlegal settings in which they can make their lives."

Gender disparity in practice continued to rise between Waves 2 and 3. "Contrary to hopes, if not expectations, the gap between the earnings of women and men continued and, in fact, had grown since Wave 2. Similarly, women's promotions trailed behind those of their male counterparts." (p. 64). Income disparity has grown over time, from 5 percent at Wave 1, to 15 percent at Wave 2, to 20 percent at Wave 3. Further, the study revealed that "men were more likely to have been promoted to partner and were more likely to have become equity partners than women at the same stage. The women were more likely to be found in non-equity partnerships." (p. 66). A significant number of women were no longer practicing full time – 15 percent of women were working part time, and 9 percent were not currently working to care for children.

The report revealed that there are some significant racial and ethnic disparities in practice areas, but the picture is more complex than it is with gender. Black lawyers, for example, are proportionally over-represented in government and have experienced relatively high job mobility. Black and Asian lawyers experienced relatively low salary growth, while Hispanic lawyers experienced relatively high salary growth. Hispanic and Black lawyers reported relatively high levels of job satisfaction. Asian lawyers reported relatively low job satisfaction, though even here, 70 percent reported that they were moderately or highly satisfied with their decision to become a lawyer.

Wave 3 indicated that an increasing number of graduates had no remaining law school debt: 16.3 percent at Wave 1, 36.1 percent at Wave 2, and 47.4 percent at Wave 3. The percentage of graduates with more than $100,000 in debt also declined: 21.3 percent at Wave 1, 8.2 percent at Wave 2, and 5.4 percent at Wave 3. Black and Hispanic graduates were less likely to report zero debt, and more likely to report more than $100,000 in debt. The report's authors commented that "a relative lack of family resources accounts for some of the difference in ability of disadvantaged minorities to pay debt. The numbers are small, but the pattern indicates that education debt disproportionally burdens Black . . . and Hispanic lawyers." (pp. 80-81).

"The rate at which lawyers change settings suggests law schools should continue to focus on broad legal education, grounded in critical foundational skills, even if lawyers tend to specialize later in their careers."

The debt levels reported by respondents varied by type of practice. Lawyers practicing in larger firms were most likely to report zero debt. The federal government and public interest sectors also had a high percentage of respondents with low debt. Solo practitioners were most likely to report highest debt levels. State government workers and legal services/public defenders reported relatively high debt levels.

The Wave 3 survey included questions on the impact of the recession on the lawyers in the group. Some lawyers (10.1 percent) reported that the recession had impacted their loan repayment, with the numbers being higher with Black (19.7 percent) and Hispanic (17.6 percent) lawyers. Respondents from both the public and private sectors reported significant negative employment impacts (layoffs and reduced hiring) from the recession.

The *After the JD* studies continue to be a vitally important source of information on lawyers' career outcomes. Having this data highlights the need for more. It would be very helpful, for example, to have a study that compares this cohort from the group of lawyers who graduated into the heart of the recession in 2010 and 2011.

After the JD III: Third Results from a National Study of Legal Careers can be purchased through the NALP Foundation's on-line bookstore at www.nalpfoundation.org/bookstore.

Committee Nominations, continued from page 1

At the Second Meeting of the AALS House of Representatives on Sunday, January 4, 2015, the committee will present to the House the following nominations:

For the Position of President-Elect:

Kellye Y. Testy, University of Washington School of Law

For the Position of Member of the Executive Committee Three-Year Term:

Darby Dickerson, Texas Tech University School of Law

Avi Soifer, University of Hawaii, William S. Richardson School of Law

Retiring Members of the Executive Committee

With the conclusion of the Association's Second Meeting of the House of Representatives meeting on Sunday, January 4, 2015, D. Benjamin Barros, Widener University School of Law, will conclude his service on the Executive Committee. Leo P. Martinez, University of California, Hastings, will end his term as Immediate Past President.

Biographical Sketches of the Nominees

President-Elect

Kellye Y. Testy

Kellye Testy is Dean and James W. Mifflin University Professor at the University of Washington School of Law. Dean Testy received a B.A. in 1982 and a J.D. (summa cum laude) in 1991 from Indiana University, Bloomington, where she was Editor-in-Chief of the Indiana Law Journal and elected to Order of the Coif.

Dean Testy clerked for the Honorable Jesse E. Eschbach on the United States Court of Appeals for the Seventh Circuit. In 1992, she began her career as a law professor at the University of Puget Sound, which soon became Seattle University. There she rose through the faculty ranks, became an associate dean, and then served as dean (2005-2009). While her leadership skills were widely evident, few outside the school may know that she was selected three times for Seattle's Outstanding Teacher Award.

In 2009, Testy was named Dean of the University of Washington School of Law, the first woman to serve in that position. Under her leadership, UW Law has thrived, increasing its national and international stature, hiring an impressive new generation of outstanding faculty, and receiving its largest gift ever, an almost $60 million donation from its late alumnus Jack Rupert MacDonald.

Dean Testy has served the AALS in many ways over the years. She served a three-year term on the Committee on Recruitment and Retention of Minority Law Teachers and Students (2007-2009) and was a member of the 2009 Planning Committee for the highly successful Conference on Business Associations. She also chaired the Planning Committee for the AALS Workshop for New Law Teachers (2010). Most recently, she served as co-chair of the AALS Section for the Law School Dean. She is a current member of the AALS Committee on Audit and Association Investment Policy and the AALS Executive Committee.

Dean Testy has also served on the Board of Governors of the Society of American Law Teachers as well as several committees of the ABA Section on Legal Education. In 2010, she chaired the ABA New Dean's Workshop and has been a long-serving member of its faculty committee. While at Seattle University, she founded and was the first director of a center on corporations, law and society. Prior to that, she founded the Access to Justice Institute and the Seattle Journal for Social Justice. In all of these positions, she has demonstrated a commitment to diversity and inclusion within the profession.

Her areas of expertise are business law, gender and the law, social justice, and legal education. Recent publications include *Best Practices for Hiring and Retaining a Diverse Law Faculty* (96 Iowa L. Rev. 1707 (2010-2011)) and *Being a Dean is a Drag . . . But Not for the Reasons You Might Expect* (42 SW. L Rev. 765-69 (2013)).

Dean Testy received the 2013 Women of Influence Award in Seattle as well as five different awards from four different bar organizations in her state. She has also lectured widely at other law schools. Dean Testy is known for her tremendous energy, innovation and outstanding leadership.

For a Three-Year Term on the Executive Committee:

Darby Dickerson

Photo courtesy of Texas Tech University School of Law

Darby Dickerson is Dean and W. Frank Newton Professor of Law at the Texas Tech University School of Law. She received a B.A. in 1984 and an M.A. in 1985 from the College of William and Mary. She received a J.D. from Vanderbilt Law School in 1988, where she served as senior managing editor of the Vanderbilt Law Review and as a member of the Moot Court Board.

After law school, Dean Dickerson clerked for the Honorable Harry W. Wellford of the United States Court of Appeals for the Sixth Circuit. She then worked as a litigation associate at the Locke firm in Dallas. In 1995, she was named both Outstanding Director of the Texas Young Lawyers Association and the Outstanding Young Lawyer in Dallas.

Dean Dickerson joined Stetson University College of Law in 1995. From 1996 to 2004, she served as director of legal research and writing. She also served as associate dean, vice dean and interim dean before being named vice president and dean in February 2004.

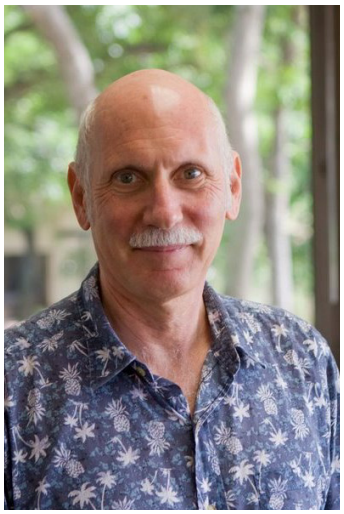
In July 2011, Dean Dickerson was appointed dean of Texas Tech University School of Law in Lubbock, Texas.

She teaches or has taught legal writing, ADR, pretrial practice, litigation ethics, and torts, and has supervised various externship and advocacy programs and law journals. She was the author of the first four editions of the ALWD Citation Manual: A Professional Citation System, and has written articles on topics including legal writing, litigation ethics, and higher education law and policy.

Also in 2011, she was appointed to the Association of American Law Schools' Membership Review Committee. She was elected chair of the AALS Section on Part Time Division Programs in 2007 and was co-chair of the AALS Section for the Law School Dean in 2012. She is the current chair of the AALS Section on Institutional Advancement.

Her work with AALS is not her only service to the legal community. Dean Dickerson is an elected member of the American Law Institute and the President of Scribes—The American Society of Legal Writers. She is a past director of the Association of Legal Writing Directors and has served as a director of Inn of Court chapters in both Tampa and Lubbock. She has been a member of the Law School Administration Committee of the ABA's Section on Legal Education and Admission to the Bar, managing editor of Legal Writing: The Journal of the Legal Writing Institute, and an academic contributor for the eighth edition of Black's Law Dictionary. She has received a variety of awards and honors, including the 2005 Burton Foundation Award for Outstanding Contributions to Legal Writing Education and the 2013 Inaugural Darby Dickerson Award for Revolutionary Change in Legal Writing, presented by the Association of Legal Writing Directors. She is active with the Red Cross and serves as a "Big" with Big Brothers Big Sisters of Lubbock-Plainview.

Avi Soifer



Avi Soifer is Dean and Professor of Law at the University of Hawai'i William S. Richardson School of Law. Dean Soifer earned a B.A. in 1969 and a Masters of Urban Studies in 1972 from Yale University. He received a law degree from Yale Law School in 1972. While in law school, he served as an editor of the Yale Law Journal, a director of the Law School Film Society, and a director of the Legal Services Organization. Dean Soifer helped to found the C.V.H. Project, representing people in Connecticut's largest mental hospital.

From 1972-1973, Dean Soifer clerked for then-Federal District Judge Jon O. Newman. In 1993, he embarked on his law teaching career. He began teaching at the University of Connecticut in 1973 and received a Law and Humanities Fellowship at Harvard University from 1976-1977. He taught at Boston University from 1979-1993 and served as Dean of Boston College Law School from 1993-1998. He continued to teach there until 2003, when he became Dean of the William S. Richardson School of Law at the University of Hawai'i . He teaches primarily in the areas of constitutional law, legal history, legal writing and law and humanities. He has an extensive record of scholarly publications, presentations and public service activities.

Dean Soifer served on the AALS Committee on Curriculum and Research from 1988-1990, the Nominating Committee for 1993 Officers and the Journal of Legal Education Board from 2008-2011. He helped create and was elected chair of the AALS

Committee Nominations, continued from previous page

Law and the Community Section in 1983 and 1986. He was also elected chair of the AALS Law and Humanities Section in 1982 and 1989 and chair of the AALS Legal History Section in 1985. He served as co-chair of the AALS Section for the Law School Dean in 2011.

In addition to his considerable service to AALS, Dean Soifer has served on the Law School Admission Council Services & Programs Committee and the American Society for Legal History Finance Committee. He is a board member of the Hawai'i Justice Foundation and the American Judicature Society Hawai'i Chapter and a Commissioner of the Hawai'i Access to Justice Commission. He also has been an active member of the Society of American Law Teachers (SALT), running the organization's salary surveys for a number of years and serving on its Board and Executive Committee.

Dean Soifer received Boston College's Distinguished Senior Research Award and he was appointed a Distinguished Scholar at the University of Wisconsin's Legal Studies Institute. His book, Law and the Company We Keep (Harvard University Press, 1995) was awarded the Alpha Sigma Nu Triennial National Jesuit Book Prize in professional studies. He has published regularly in law journals and his articles have appeared in cross-disciplinary publications and books as well.

The Nominating Committee is proud to recommend these three accomplished individuals. Their dedication to teaching, scholarship and service is exemplary. Each nominee has demonstrated the energy and collegial and collaborative qualities that the committee believes will serve the AALS and its membership well.

Nominating Committee for 2015 Officers and Members of the Executive Committee

Katharine T. Bartlett, Duke University School of Law

Mariano-Florentino Cuéllar, Stanford Law School

R. Lawrence Dessem, University of Missouri School of Law

Gregory E. Maggs, The George Washington University Law School

Trevor W. Morrison, New York University School of Law

Lauren K. Robel, Indiana University, Chair

Dean Robert C. Post of Yale Law School to Give 2015 AALS Luncheon Address

Robert C. Post, Dean and Sol & Lillian Goldman Professor of Law at Yale Law School, will be the Luncheon Speaker at the 2015 AALS Annual Meeting. He will speak on academic leadership and scholarship. A Presidential Program will follow the Association Luncheon on the 100th Anniversary of the American Association of University Professors' Declaration of Principles on Academic Freedom and Academic Tenure.

Dean Post is an accomplished legal scholar whose areas of focus include the First Amendment of the U.S. Constitution, equal protection and legal history. He has published extensively on these topics, writing and editing numerous books, most recently Citizens Divided: A Constitutional Theory of Campaign Finance Reform (2014).

His work appears frequently in legal journals and other publications. Recent articles include *Theorizing Disagreement: Reconceiving the Relationship Between Law and Politics* (Calif. L. Rev., 2010) and *Constructing the European Polity: ERTA and the Open Skies Judgments* in The Past and Future of EU Law: The Classics of EU Law Revisited on the 50th Anniversary of the Rome Treaty (Miguel Poiares Maduro & Loïc Azuolai eds., 2010).

Prior to joining Yale Law School in 2003, Dean Post taught for 20 years at the University of California, Berkeley School of Law. He served as an associate from 1980 to 1982 at the law firm Williams & Connolly in Washington, D.C. and as a law clerk to Justice William J. Brennan, Jr. of the United States Supreme Court from 1978 to 1979. In addition, he was a law clerk to Chief Judge David L. Bazelon of the United States Court of Appeals for the District of Columbia Circuit from 1977 to 1978.

In addition to his extensive service to Yale Law School, Dean Post is a member of the American Philosophical Society and the American Law Institute and a fellow of the American Academy of Arts and Sciences. He is a former member of the Board of Directors of the American Constitution Society.

Dean Post will speak at the AALS Luncheon held on Sunday, January 4, 2015 from 12:30 p.m. – 2 p.m. His perspectives as a dean, teacher and accomplished legal scholar will be invaluable contributions in exploring the Annual Meeting's theme of "Legal Education at the Crossroads."

Annual Meeting registration and purchase of an advance ticket will give you access to the Association Luncheon.

President's Theme for 2015 Annual Meeting: Legal Education at the Crossroads

In the parable of the Delta blues player, the musician considers carefully his choice: to make his pact with the Devil and preserve his guitar greatness or to take the other path. He considers this fateful decision at the crossroads. We are at the crossroads. Our law schools face critical choices: Are we going to continue on the path which, while suitable to the previous world in which we pursued glory and economic progress and our graduates took their rightful place in the generally remunerative legal economy, now has significant pitfalls and predicaments. Or are we going to take the path toward a more promising, albeit risky and uncertain, destination for our students, our faculty, our profession?

As faculty members and law school leaders, we are engaged deeply with questions concerning the efficacy of our current educational and economic model. Some prophesize the demise of this model and, with it, doom and gloom for (many? most? all?) our member schools; others, for sure, remain ever optimistic. Moreover, we are engaged with complex questions of pedagogical strategy and educational performance. In our teaching, in our scholarship, and in our external engagement with the bench, bar, and business sector, we ask: Are we doing all we can and should to prepare our students for this dynamic new world? Ideally, these questions should be omnipresent parts of our strategies. But, realistically, they have garnered our focused attention in this era in which law schools are under pressure and, in a meaningful way, under siege.

In this difficult climate, there are good reasons to seize opportunities for self-reflection, for innovation, and for significant change in our activities and objectives. The Annual Meeting will provide a forum for novel thinking and fresh perspectives on the state of American legal education. Fruitful ideas will include both the incremental and the profound. We are at the crossroads, true; and the choices we make in the coming years will shape powerfully the structure of our profession – not only the academic profession of law teaching, but the profession of law more generally. We welcome all constructive voices; we ask of you your most ambitious imagination.

Daniel B. Rodriguez
AALS President and Dean, Northwestern University School of Law

Annual Meeting Highlights

Washington, DC
January 2-5, 2015
www.aals.org/am2015

SEC Chair Mary Jo White, 2015 Annual Meeting Showcase Speaker – Join us at the inaugural AALS Showcase Speaker program with U.S. Securities and Exchange Commission (SEC) Chair Mary Jo White. She joined the SEC in 2013 after decades of experience as a federal prosecutor and securities lawyer. Her presentation will be immediately followed by a reception in her honor on Saturday, January 3 from 6:30 p.m. - 8:15 p.m.

"Congressional Dysfunction and Executive Law Making during the Obama Administration" Academic Symposium – AALS is following up on the success of its inaugural academic symposium with a second day-long symposium. This session will address important questions surrounding President Obama's use of executive power on Sunday, January 4 from 9 a.m. - 5 p.m.

"The Opportunities of Law School Leadership: Nurturing the Diverse Leaders Our Schools Need for the 21st Century" Academic Leadership Program – New this year is a program exploring the challenges of academic leadership. This interactive roundtable will discuss the leadership skills required by law schools and methods for developing and nurturing those competencies; it will be held on Sunday, January 4 from 4 p.m. - 5:45 p.m.

Senator Tom Harkin – Sen. Harkin (Iowa) will speak on "Employment Discrimination and the American with Disabilities Act at 25 Years." Sen. Harkin helped author this landmark legislation that protects the civil rights of Americans with physical and mental disabilities. The session will take place on Saturday, January 3 from 10:30 a.m. – 12:15 p.m.

Exhibit Hall – The AALS Exhibit Hall provides attendees the opportunity to discuss teaching methods and new technologies in legal education with exhibiting companies and view and discuss products that can enhance attendees' teaching and scholarship. The Exhibit Hall also serves as a "meeting place" for attendees to exchange ideas and includes a lounge area with coffee, tea, pastries and refreshments served in the mornings and afternoons.

Program Updates – For up-to-date information about the meeting, please visit www.aals.org/am2015

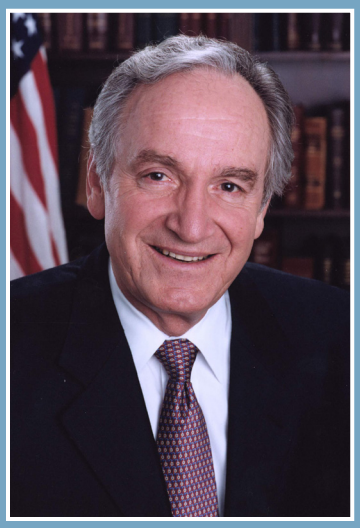
Speaker Highlights

Photo courtesy of The Collection of the Supreme Court of the United States

Ruth Bader Ginsburg, Associate Justice, U.S. Supreme Court

Anita Hill, Senior Advisor to the Provost and Professor of Social Policy, Law and Women's Studies, Gender, and Sexuality, Brandeis University, Heller School for Social Policy and Management

Photo courtesy of Brandeis University, The Heller School for Social Policy and Management



Tom Harkin, U.S. Senator, Iowa

Richard Posner, Judge, U.S. Seventh Circuit Court of Appeals, Chicago

AALS President's Program - Implementing Innovation in Law Schools

Saturday, January 3, 2015 from 10:30 a.m. – 12:15 p.m.

As law schools seek to compete in a changing and challenging global market for legal education, many are striking out in new directions with innovative programs and ideas. The process of innovation in legal education is not unlike that of other businesses and organizations. That process must include the right incentives and culture for forming new ideas, as well as a process for vetting them, prioritizing them, implementing them and assessing their effectiveness.

This session will address the innovation process and probe how to both spur innovative ideas and then to also move efficiently to implement the ones that seem right for the institution. The session's speakers bring a wide range of experience with innovation at diverse institutions. Speakers include Paul Lippe, founder and CEO of Legal Onramp; Michael J. Madison, University of Pittsburgh School of Law; and Kellye Y. Testy, University of Washington School of Law.

Programs for New Law School Teachers at the 2015 Annual Meeting

Beginning with the 2015 Annual Meeting, AALS has opened up additional time slots for section programs directed toward new law teachers. Several AALS Sections will hold works-in-progress to bring together junior and senior law scholars and to help junior scholars ready their scholarship for the spring law review submission cycle. Sections will also hold programs on pedagogy to assist new law school teachers.

Section Works-in-Progress Programs for New Law School Teachers

Saturday, January 3, 2015
5:15 p.m. – 6:30 p.m.

Section on Administrative Law

Section on Children and the Law

Section on Employment Discrimination Law

Section on Law, Medicine and Health Care

Section Pedagogy Programs for New Law School Teachers

Saturday, January 3, 2015
5:15 p.m. – 6:30 p.m.

Section on Animal Law
Topic: Keeping it Current: Animal Law Examples Across the Curriculum

Section on Balance in Legal Education
Topic: Pedagogy Promoting Practice – Ready Law Students: Lessons Learned from Recent Practice

Sections on Commercial and Related Consumer Law and Contracts Joint Program
Topic: Teaching in the Contracts/Commercial/Consumer Law Curriculum: Challenges and Innovations

Section on Creditors' and Debtors' Rights
Topic: Innovative Teaching Methods for Statutory Courses: Problem-Based Learning, The Case Study Method and Adding Skills Instruction to Traditional Courses

Section on Intellectual Property
Topic: Thinking Outside the Book

Section on International Law
Topic: Adding Foreign and Comparative Law to Your Course: Guidelines, Materials and Practical Advice for New Law Professors

Section on Law and Mental Disability
Topic: Adding Cases and Hypos Regarding Individuals With Physical and Mental Disabilities to Your Doctrinal Class

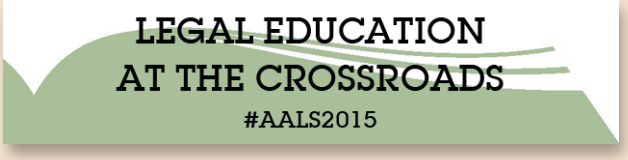
Section on Legal Writing, Reasoning and Research
Topic: Lessons Learned: Know Thy Students. International Students in American Law Schools – and In Your Class!

Sunday, January 4, 2015
5:45 p.m. – 7 p.m.
Section for New Law Professors
Topic: Potential and Pitfalls: Harnessing Your Teaching to Inform Your Scholarship

New Mobile App to Augment AALS Annual Meeting

by Dr. Pablo Molina,
AALS Chief Information Officer

Following the release of the new website on September 22, AALS is pleased to announce another technology service for the benefit of our members. If you are bringing a smart phone or tablet to the AALS Annual Meeting, download the new mobile app for Apple iOS and Android devices. The free app will show up-to-date information about the Annual Meeting programs, sessions and venues. Scheduled for release on Monday, December 8, the app will be available for download through the end of January.



U.S. Supreme Court Associate Justice Ruth Bader Ginsburg to Join Sections on Legal History and Women in Legal Education Program

Photo courtesy of The Collection of the Supreme Court of the United States

Associate Justice Ruth Bader Ginsburg will join additional speakers for a program titled "Engendering Equality: A Conversation with Justice Ruth Bader Ginsburg and New Voices in Women's Legal History" at the 2015 AALS Annual Meeting. This event is a joint program of the Sections on Legal History and Women in Legal Education and is co-sponsored by the Section on Constitutional Law. The program will explore the history of women's equality and the legacy of Justice Ginsburg. The first portion of the program will—through a conversation between Justice Ginsburg and Wendy Webster Williams, Georgetown University Law Center—consider the ideas and strategies that have shaped Justice Ginsburg's efforts as an advocate, an academic and a Supreme Court Justice.

The second portion of the program will present a panel of new voices in Women's Legal History who study the complex and often contradictory ways in which social, political and legal actors have appealed to gender and equality in movements of the past, and suggest how such studies might engender/inform equality's future. This program is scheduled on Saturday, January 3, 2015 from 1:30 p.m. – 3:15 p.m.

Justice Ginsburg will also be the guest of honor at the Section on Women in Legal Education's luncheon, where she will present the section's Ruth Bader Ginsburg Lifetime Achievement Award to Herma Hill Kay, University of California, Berkeley School of Law. The luncheon will be held on Saturday, January 3, 2015 from 12:15 p.m. – 1:30 p.m.

Herma Hill Kay

2015 AALS Midyear Meeting Orlando, Florida

Workshop on Next Generation Issues of Sex, Gender and the Law

June 24 – 26, 2015

After more than 40 years of formal sex equality under the law, this workshop will ask legal academics to look ahead to the future and identify, name and analyze the next generation of legal issues, challenges and questions that advocates for substantive gender equality must be prepared to consider.

The goal of this workshop is not only to pinpoint and examine future law-related concerns about gender equality, but also to provide innovative new approaches to achieving equality for women and those who challenge gender norms in our society. Employment, violence against women, reproductive rights, women's poverty and women in legal education will be particular focuses. Sessions will address the ways in which characteristics other than gender—including race, sexual orientation, immigration status, socioeconomic class and disability—impact women's lives.

For more information and to register for this workshop visit: aals.org/midyear2015

Planning Committee for Workshop on Next Generation Issues of Sex, Gender and the Law

Angela I. Onwuachi-Willig, University of Iowa College of Law, Chair

William Eskridge, Yale Law School

Aya Gruber, University of Colorado School of Law

Kimberly Yuracko, Northwestern University School of Law

Rebecca E. Zietlow, University of Toledo College of Law

Workshop on Measuring Learning Gains: Institutional Effectiveness for the New Era

June 22 – 24, 2015

Law schools are entering a new era, one in which they will be expected to seriously evaluate what their students have learned throughout their law school careers. New accreditation requirements imposed by the ABA, regional accreditors of colleges and the federal government are driving forces for such attention to educational effectiveness. But so, too, are the intellectual curiosity and commitment to delivering high quality, effective education that animates most legal educators.

This workshop is designed to provide participants with in-depth understanding and experience with the issues, goals, and strategies associated with assessment of institutional effectiveness. The program will provide participants with a true "workshop" experience that helps them achieve the following outcomes: (a) identifying a starting point for assessment planning at their individual schools; (b) drafting an assessment plan for their program or school; (c) developing a communications plan to increase understanding, acceptance, and participation in the assessment plan by others; and (d), identifying resources that will help them improve assessment of student learning.

For more information and to register for this workshop visit: aals.org/midyear2015

Planning Committee for Workshop on Measuring Learning Gains

Raquel E. Aldana, University of the Pacific, McGeorge School of Law

Catherine L. Carpenter, Southwestern Law School, Chair

Thomas F. Geraghty, Northwestern University School of Law

Todd D. Rakoff, Harvard Law School

Judith W. Wegner, University of North Carolina School of Law

Workshop on Shifting Foundations: Family Law's Response to Changing Families

June 22 – 24, 2015

Family life and family law have undergone sweeping transformations in recent decades. Family life is becoming more diverse as alternative forms of family organization have gained prominence, including cohabitation, LGBTQ relationships, single parent households, one-person households and other care networks. Family life is also becoming more unequal. The shifting demographics of the family provide the context for the workshop.

It has now been more than a decade since the American Law Institute published its Principles on the Law of Family Dissolution and since the Supreme Judicial Court of Massachusetts issued its Goodridge v. Department of Public Health decision. The U.S. Supreme Court's 2013 *United States v. Windsor* opinion has already effected broad changes far beyond its invalidation of part of the Defense of Marriage Act. Consequently, it is both timely and critical to have a workshop that considers foundational questions about family law.

This workshop will take up such issues as: how should family law respond to the changing shape of families and to the implications of rising inequality for families? How are the "essential" foundations of family law evolving to do so? What, today, is involved in teaching family law?

For more information and to register for this workshop, please visit: aals.org/midyear2015

Planning Committee for Workshop on Shifting Foundations: Family Law's Response to Changing Families

Brian H. Bix, University of Minnesota Law School

Naomi R. Cahn, The George Washington University Law School, Chair

Solangel Maldonado, Seton Hall University School of Law

Linda C. McClain, Boston University School of Law

Sean H. Williams, The University of Texas School of Law

Workshop for New Law School Teachers

Washington, DC
June 3 - 5, 2015

The 33rd Workshop for New Law School Teachers will be held June 3 - 5, 2015 in Washington, D.C. At this annual workshop, new law teachers will have the opportunity to share their enthusiasm, experience, and concerns with each other in a supportive environment. This workshop is designed for new law teachers regardless of subject area, as we recognize that law teachers enter the academy on different paths, but also have much in common as they begin their careers. Sessions will be led and facilitated by a group of senior and junior faculty chosen for their commitment to legal education, track record of success in their own careers, and diversity of scholarly and teaching approaches.

For new legal writing faculty, the workshop offers additional specialized training sessions on teaching legal writing; designing legal writing course materials, establishing learning outcomes and being successful in the classroom; producing quality scholarship while teaching legal writing; and providing students with valuable feedback on and fair assessment of their legal writing assignments.

Please visit www.aals.org/NLT2015 for detailed programs and registration information.

Planning Committee for Workshop for New Law School Teachers and New Legal Writing Teachers

Gillian E. Metzger, Columbia University School of Law

Donna M. Nagy, Indiana University Maurer School of Law, Chair

Ronald F. Wright, Wake Forest University School of Law

Planning Committee for New Legal Writing Teachers Workshop at the New Law School Teachers

Kirsten Davis, Stetson University College of Law

Anne M. Enquist, Seattle University School of Law

Workshop for Pretenured People of Color Law School Teachers

Washington, DC
June 5 - 6, 2015

The Workshop for Pretenured People of Color will be held immediately following the Workshop for New Law Teachers, from June 5 - 6, 2015. Minority law teachers face special challenges in the legal academy, starting from their first day of teaching. At this workshop, diverse panels of experienced and successful law professors will focus on these challenges as they arise in the context of scholarship, teaching, service and the tenure process. The workshop dovetails with the AALS Workshop for New Law School Teachers by providing sustained emphasis on the distinctive situations faced by pretenured people of color law school teachers.

Participants can register for one or both workshops. Please visit www.aals.org/NLT2015 for more information.

Planning Committee for Workshop for Pretenured People of Color Law School Teachers

Karen E. Bravo, Indiana University Robert H. McKinney School of Law

Devon Wayne Carbado, University of California, Los Angeles School of Law

Ruben J. Garcia, University of Nevada, Las Vegas, William S. Boyd School of Law

Donna M. Nagy, Indiana University Maurer School of Law, Chair

Conference on Clinical Legal Education and the Law Clinic Directors Workshop

Rancho Mirage, California
May 3 – 7, 2015

Law Clinic Directors Workshop
May 3 – 4, 2015

The Law Clinic Directors Workshop will focus on the changes confronting directors in the "new normal" for legal education. Directors will hear information on: 1) the role that clinic directors play in leading the reform of legal education, both within and outside the clinical curriculum ("Who Leads in the New Normal"); 2) the impact on clinic staff of changes in funding and in programmatic demands ("Who Does the Work in the New Normal"); and 3) the cost / value equation for clinical courses. Informed by data from the newest CSALE survey, the sessions will leave ample time for discussion and consultation between directors on these and other concerns.

Clinical Conference "Leading the New Normal: Clinical Education at the Forefront of Change"
May 4 - 7, 2015

Legal education confronts a period of intense change. These changes include drops in enrollment, a market downturn in jobs for graduates, transformations in law practice, and a rethinking of the roles of and the need for lawyers. Some argue that law schools must address these changes or lose control over legal education. A "new normal" seems to be taking hold.

"Leading the New Normal: Clinical Education at the Forefront of Change," will explore this new paradigm and ask whether and how clinicians should lead in the "new normal" of legal education. The conference will foster conversations that will help us to understand and to engage productively with the situation we now face. This conference will help participants prepare for what is coming next, both in the use of technology (for both teaching and practice) and changes in the structure and delivery of legal services. Sessions will help clinicians assess how to change their own service delivery mechanisms and how to help students to participate fully in the rapidly changing world they will encounter after graduation.

For more information on the conference and workshop and to register, please visit www.aals.org/clinical2015.

Planning Committee for Conference on Clinical Legal Education

Kimberly Ambrose, University of Washington School of Law

Claudia Angelos, New York University School of Law

Eduardo R. Capulong, University of Montana School of Law

Michele R. Pistone, Villanova University School of Law

Laura L. Rovner, University of Denver Sturm College of Law

Alexander Scherr, University of Georgia School of Law, Chair

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AALS Calendar

Annual Meeting
Washington, DC
Friday, January 2 – Monday, January 5, 2015

Law Clinic Directors Workshops
Rancho Mirage, California
Monday, May 4, 2015

Conference on Clinical Legal Education
Rancho Mirage, California
Monday, May 4 – Thursday, May 7, 2015

Workshop for New Law School Teachers with Additional Sessions for New Legal Writing Teachers
Washington, DC
Wednesday, June 3 – Friday, June 5, 2015

Workshop for Pretenured People of Color Law School Teachers
Washington, DC
Friday, June 5 – Saturday, June 6, 2015

Midyear Meeting
Orlando, Florida

Workshop on Shifting Foundations: Family Law's Response to Changing Families
Monday, June 22 – Wednesday, June 24, 2015

Workshop on Measuring Learning Gains
Monday, June 22 – Wednesday, June 24, 2015

Workshop on Next Generation Issues of Sex, Gender and the Law
Wednesday, June 24 – Friday, June 26, 2015

Future Annual Meeting Dates and Locations
Wednesday, January 6 – Saturday, January 9, 2016, New York, NY
Wednesday, January 4 – Saturday, January 7, 2017, San Francisco, CA

Future Faculty Recruitment Conference Dates
Thursday, October 15 – Saturday, October 17, 2015, Washington, DC